

NOT FOR PUBLICATION

FEB 25 2009

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTON WIBOWO HARTONO;
FNU SHINTA,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-74545

Agency Nos. A096-351-501

A096-351-502

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 18, 2009^{**}

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Anton Wibowo Hartono and his wife, natives and citizens of Indonesia,
petition for review of the Board of Immigration Appeals' order dismissing their

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

appeal from an immigration judge's ("IJ") decision denying their application for withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *Hoxha v. Ashcroft*, 319 F.3d 1179, 1182 n.4 (9th Cir. 2003), we deny the petition for review.

Substantial evidence supports the IJ's finding that the mis-treatment Hartono encountered in Indonesia did not rise to the level of persecution. *See id.* at 1182; *Nagoulko v. INS*, 333 F.3d 1012, 1016-18 (9th Cir. 2003). Further, even if the disfavored group analysis set forth in *Sael v. Ashcroft*, 386 F.3d 922 (9th Cir. 2004) applies in the context of withholding of removal, the record does not compel the conclusion that Hartono faces a clear probability of future persecution. *See Hoxha*, 319 F.3d at 1184-85. Accordingly, Hartono failed to establish that he was entitled to withholding of removal.

PETITION FOR REVIEW DENIED.